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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,276	07/31/2001	Boaz Carmeli	IL920000091US1 (14500)	4086

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,276

Applicant(s)

CARMELI ET AL.

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1 and 2-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/23/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 09, 2005 has been entered. Claims 1 and 3-4 have been amended. Claim 2 has been canceled. Claims 10-12 have been added. Claims 1, 3-9 are now pending in this application, with claim 1 being independent.

Allowable Subject Matter

2. Claims 10-12 are allowable.

The following is an examiner's statement of reasons for allowance: For claim 10, the claimed asymmetric two-way request-response communication method, which utilizes the claimed client transceiver and the claimed server transceiver, and comprises steps i) –vi) regarding the time-out period and steps i-ii regarding the plurality of different servers, is neither taught nor made fairly obvious by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Dependent claims 11-12 are allowed for the same reasons as discussed above with respect to claim independent 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al (US PAT # 6,745,937) in view of Thornborough et al (US PAT # 4,817,131).

Regarding claim 1, Walsh et al teach two-way request-response communication (see col. 1, lines 16-20) method providing communication between a client transceiver

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(see for example, Fig. 20 and Fig. 31 transceiver 3210) servicing a user/application and a server transceiver (this reads on the server computer, see col. 2, lines 53-58) while providing power management and conservation of power at the client transceiver (see col. 6, lines 11-12 and col. 7, lines 54-64), comprising: maintaining the client transceiver in a power-off state (this basically read on keeping the components in inactive state, see col. 6, line 16) until the client transceiver initiates a client communication with the server and enters a power-on state (reads on activating the components when needed to perform their function, see col. 6, line 17-24); the client transceiver initiates a client communication with the server transceiver and requests information from the server transceiver (see abstract and col. 5, lines 56-63); the server transceiver transmits a server communication with the requested information to the client transceiver (this reads on the response transmitted to the client); the client transceiver receives the server communication and then returns to a power-off state (see col.10, lines 1-19); the server transceiver stays in a listening mode and waits for a client communication (this is obvious because the server transceiver must be ready to receive request from the client at any time), and the server transceiver does not transmit unsolicited server communications to the client transceiver (this limitation is obvious because the server transmits the required communication requests only in order to minimize the use of the power (save the power) and not exhausting the system components with unnecessary functions. Also, it is not beneficial to the client to receive unnecessary information. Therefore most servers do not send unsolicited communications that are not requested by the client).

Walsh et al does not specifically teach that the client transceiver has a time-out period, after which the client transceiver enters a power-on state and transmits a client communication to the server transceiver; and an entity external of the client defines the time out period.

However, Thornborough teaches an automatic meter reader (analogous to the claimed "client transceiver") that comprises several components and one of those components is a wake-up timer that is always energized from the battery within said meter reader. The meter reader also has a processor means, a program means, and a power-up means responsive to said wake-up signal to change said processor means from a power-down sleep condition to a power-up wake condition (see col. 292, lines 16-37 and col. 3, lines 10-12). The claimed "entity external of the client that defines the time out period" reads on an operator of the utility control center UCC (analogous to the claimed "server"), which may enter appropriate control data for the Automatic Meter Reader (AMR), see col. 3, lines 23-31, lines 66-68 and col. 4, lines 1-27.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature receiving a wake up signal at certain time and going back to sleep mode, as taught by Thornborough, into the transceiver 3210 of Walsh system in order to minimize the use of the power (save the

power). That is, to wake the transceiver/client transceiver up only when needed which is economical.

Claim 3 recites " external entity is the user/application". This feature is already taught in Thornborough, since the "user" have the capability to request any type of data to be reported and any desired time (see col. 2, lines 2-13).

Regarding claim 4, Thornborough et al teach that the external entity is the server, and the server defines the time out period in a server communication (see col. 3, lines 19-31).

Claim 5 recites " if the time-out period defined by the server is less than the time-out period defined by the user/application, then the time-out period defined by the server is used as the time-out period, and if the time-out period defined by the server is greater than the time-out period defined by the user/application, then the time-out period defined by the user/application is used as the time-out period". This basically means using the shorter time-out as the time-out period. Since Thornborough teaches a programming means ¹(see col. 292, line 25), it would have been obvious to program and set the shorter time-out as the time-out period. While deciding to wake up a device (e.g., meter reader), one may select the shorter time-out to ensure transmission of needed data.

Claim 6 recites "if the time-out period defined by the server is less than the time-out period defined by the user/application, then the time-out period defined by the user/application is used as the time-out period, and if the time-out period defined by the server is greater than the time-out period defined by the user/application, then the time-out period defined by the server is used as the timeout period". This basically means using the longer time-out as the time-out period. Since Thornborough teaches a programming means² (see page 292, line 25), it would have been obvious to program and set the longer time-out as the time-out period. While deciding to wake up a device (e.g., meter reader), one may select the longer time-out to economize on the power supply.

Regarding claim 7, Walsh teaches the method is employed with a small, limited-power, wireless, mobile device (see col. 53-55).

Regarding claim 8, Walsh teaches the method is employed with one of a power badge, wireless toy, wireless sensor, wireless information access device, digital cell phone, WAP phone, 2-way pager, interactive remote control, personal digital assistant, mobile computer, intelligent object, and other pervasive device (see col. 2, lines 53-55 and col. 3, lines 26-33).

² Note that the programming means is performed by the operator or based on request by the user (see col. 2, lines 2-13)

Regarding claim 9, Thornborough teaches providing the user/application with a display (see col. 3, line 21). Thornborough does not specifically teach the "until-when" parameter that specifies the time or date until which the client transceiver will still operates. However, with the programming means that is taught in Thornborough, it would have been obvious to customize the information and data that will be displayed.

Response to Arguments

5. Applicant's arguments filed 05/09/2005 have been fully considered but they are not persuasive.

Applicant argues "the prior art does not disclose or suggest the use of an external entity to set this time out period". Examiner would like to point out to the applicant that the limitation reads on an operator of the utility control center (UCC), which may enter appropriate control data for the Automatic Meter Reader (AMR), see col. 3, lines 23-31, lines 66-68 and col. 4, lines 1-27. This basically means that the operator is considered an external entity, which controls all kinds of data to set the (AMR). Setting up the (AMR) off course will include setting up the time and schedule for the wake-up mode and the sleep mode.

Examiner believes that all other arguments are already addressed in the above rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER
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Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
07/22/2005